

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. Brockway

Title: COMPACTOR WHEEL AXLE
GUARD SYSTEM

Original Patent No.: 5,769,507

Original Issue Date: June 23, 1998

INVENTOR'S REISSUE OATH

Assistant Commissioner for Patents
Washington, D.C. 20231

Being duly sworn, Robert J. Brockway deposes and says as follows:

1. I am a citizen of the United States of America, residing in the City of Plymouth, County of Sheboygan, and the State of Wisconsin. My residence and mailing address is W5933 Sartori Ln., Plymouth, Wisconsin 53073.

2. I believe that I am the original, first, and sole inventor of the invention or discovery in COMPACTOR WHEEL AXLE GUARD SYSTEM described and claimed in United States Letters Patent No. 5,769,507, issued June 23, 1998, and in the above-identified application, for which I solicit a reissue patent; and I do not believe that this invention was ever known or used in the United States of America before my invention or discovery thereof.

3. I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment specifically referred to herein.

4. I acknowledge my duty to disclose to the Patent and Trademark Office all information known to us to be material to the examination of the application.

5. I believe the original United States Letters Patent No. 5,769,507 to be partly inoperative for the reason that I claimed less in the patent than I had a right to claim, particularly by omission of claims 21-23 of the foregoing specification.

6. The error which renders the patent partially inoperative arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention on my part.

7. The error initially arose when the non-provisional patent application which resulted in the original Letters Patent was filed on October 17, 1996. The error arose because our attorney did not fully appreciate, at the time the application was filed or at the time the application was allowed, the true nature and scope of the invention disclosed in the original application and thus did not prepare claims of broad enough scope to provide the patent protection to which the invention properly is entitled.

8. Claims 1-5 all require that the axle guard system comprise a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." This cleat free area can have at least the width of any compaction cleat, not just the width of the compaction cleats mounted to the face of the wheel rim.

9. The error further arose because I did not appreciate that the claims 1-5 require that the axle guard system comprise a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." This cleat free area can have at least the width of any compaction cleat, not just the width of the particular compaction cleats mounted to the face of the wheel rim.

10. The error was discovered after issuance of the original Letters Patent, when the claims of the patent were reviewed against commercial compactor wheels then appearing in the marketplace. It was then discovered that the claims 1-5 of the original Letters Patent require that the cleat-free area extends widthwise from the inner edge "at least about the width of one of said

cleats" as an element of the apparatus, and that it is not necessary to restrict all the cleat-free area claims in this manner.

11. Claim 21 is an independent claim submitted. It differs from original Claim 1, in that it replaces the original "at least about the width of one of said cleats" language with the language "at least about the width of a compaction cleat."

12. Claim 22 is dependent upon claim 21 and adds the limitation that the cleat-free area has a width of up to about 10 inches.

13. Claim 23 is directed to a compaction machine that comprises the wheel of claim 21.


Robert J. Brockway

STATE OF WISCONSIN)
) ss.
COUNTY OF Sheboygan)

On this 11 day of December, 2006, before me personally appeared the above named Robert J. Brockway, who signed the foregoing statement in my presence and made oath before me to the allegations set forth therein as being under oath.


Notary Public

12-8-2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. Brockway

Title: COMPACTOR WHEEL AXLE
GUARD SYSTEM

Original Patent No.: 5,769,507

Original Issue Date: June 23, 1998

INVENTOR'S SUPPLEMENTAL REISSUE DECLARATION

Commissioner for Patents
Washington, D.C. 20231

I, Robert J. Brockway, hereby declare that:

1. I am a citizen of the United States of America, residing in the City of Plymouth, County of Sheboygan, and the State of Wisconsin. My residence and mailing address is W5933 Sartori Ln., Plymouth, Wisconsin 53073.
2. I believe that I am the original, first, and sole inventor of the invention or discovery in COMPACTOR WHEEL AXLE GUARD SYSTEM described and claimed in United States Letters Patent No. 5,769,507, issued June 23, 1998, and in the above-identified application, for which I solicit a reissue patent; and I do not believe that this invention was ever known or used in the United States of America before my invention or discovery thereof.
3. I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment specifically referred to herein.
4. I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the examination of the application.
5. I believe the original United States Letters Patent No. 5,769,507 to be partly inoperative for the reason that I claimed less in the patent than I had a right to claim.

6. The error which renders the patent partially inoperative arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention on my part.

7. Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath submitted in this application, arose without any deceptive intention on my part.

8. Each of claims 1-5 originally required that the axle guard system comprise a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." At least one error being relied upon as the basis for reissue is that this recitation of the cleat-free area is too narrow. The cleat-free area of my invention is wide enough that refuse, like cable, rope and wire, is less likely to be directed toward and end up wrapped around the axle of the compaction machine on which the wheel is mounted.

9. Each of claims 13 and 20 originally required that the axle guard system comprise at least one circumferential barrier mounted on a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." At least one other error being relied upon as the basis for reissue is that this recitation of the axle guard system is too narrow. The axle guard system of my invention comprises at least one circumferential barrier mounted on a cleat-free area that extends widthwise from the inner edge a distance.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Robert J. Brockway

12-11-06
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. Brockway

Title: COMPACTOR WHEEL AXLE
GUARD SYSTEM

Original Patent No.: 5,769,507

Original Issue Date: June 23, 1998

INVENTOR'S SECOND SUPPLEMENTAL REISSUE DECLARATION

Commissioner for Patents
Washington, D.C. 20231

I, Robert J. Brockway, hereby declare that:

1. I am a citizen of the United States of America, residing in the City of Plymouth, County of Sheboygan, and the State of Wisconsin. My residence and mailing address is W5933 Sartori Ln, Plymouth, Wisconsin 53073.

2. I believe that I am the original, first, and sole inventor of the invention or discovery in COMPACTOR WHEEL AXLE GUARD SYSTEM described and claimed in United States Letters Patent No. 5,769,507, issued June 23, 1998, and in the above-identified application, for which I solicit a reissue patent; and I do not believe that this invention was ever known or used in the United States of America before my invention or discovery thereof.

3. I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment specifically referred to herein, including the amendment filed in response to the Final Office Action mailed November 5, 2002 and all preceding amendments that have been filed in this case.

4. I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the examination of the application.

5. I believe the original United States Letters Patent No. 5,769,507 to be partly inoperative for the reason that I claimed less in the patent than I had a right to claim.

6. The error which renders the patent partially inoperative arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention on my part.

7. Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath submitted in this application, arose without any deceptive intention on my part.

8. Each of claims 1-5 originally required that the axle guard system comprise a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." At least one error being relied upon as the basis for reissue is that this recitation of the cleat-free area is too narrow. The cleat-free area of my invention is wide enough that refuse, like cable, rope and wire, is less likely to be directed toward and end up wrapped around the axle of the compaction machine on which the wheel is mounted.

9. Each of claims 13 and 20 originally required that the axle guard system comprise at least one circumferential barrier mounted on a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." At least one other error being relied upon as the basis for reissue is that this recitation of the axle guard system is too narrow. The axle guard system of my invention comprises at least one circumferential barrier mounted on a cleat-free area that extends widthwise from the inner edge a distance.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Robert J. Brockway

12-11-06
Date